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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#23

In re the Application of: Pradier et al. Group Art Unit: 1645
Serial No. 08/716,209 Examiner: S. Gucker
Filed: U.S. National Stage of PCT/FR95/00250
March 2, 1995
For: Recombinant Adenoviruses Coding For Brain-Derived Neurotrophic Factor (BDNF)

To: Assistant Commissioner for Patents
Washington, D.C. 20231

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CERTIFICATE OF MAILING (37 CFR § 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: September 29, 1999

Paula L. Dickey

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Paula L. Dickey
(Signature of person mailing paper)

SUPPLEMENTAL REPLY UNDER 37 C.F.R. § 1.115

This responds to the Office Action mailed February 11, 1999. Applicants mailed a timely reply and amendment to the Office Action on August 11, 1999.

REMARKS

In the Office Action mailed February 11, 1999, the Examiner objected to the previously submitted Declaration (filed October 9, 1996), as not complying with the requirements of 37 C.F.R. § 1.63(c). The Examiner stated on page 1 of the Office Action that Applicants' Declaration does not acknowledge the filing of any foreign application.

In Applicants' reply and amendment, mailed August 11, 1999, Applicants respectfully referred the Examiner to page 1 of the originally submitted Declaration (mailed October 9, 1996), wherein Applicants properly claimed foreign priority pursuant to 37 C.F.R. § 1.55. Applicants submit that the originally submitted

Declaration clearly identified foreign application FR94/03191, which was filed in France on March 18, 1994 and to which foreign priority under 35 U.S.C. § 119 is claimed.

Applicants submit herewith a newly executed Declaration that identifies additional applications to which Applicants claim priority under 35 U.S.C. §§ 119, 120, and 365.


CONCLUSION

Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and an action passing this case to issue are therefore requested respectfully. If a telephone interview would be of assistance in advancing prosecution of this application, Applicants invite the Examiner to contact their attorney, Ross J. Oehler, at (610) 454-3883.

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Dated: 9/29/99

Respectfully submitted,


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Provisional Reg. No. P-45,052